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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Rationalisation of European institutions

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Karl MOMMER, Germany

1. 1957 - 9th Session - Second part

A. APPENDIX 1 Partial identity of membership between the Assembly of the six-Power Communities and the Consultative Assembly - Draft Resolution

The Assembly,

Reaffirming its view that it is of the utmost importance for the concept of greater European unity that there should bo close links between the Assembly of the six-Power Communities and the Consultative Assembly of the Council of Europe,

Welcomes the Resolution adopted by the Foreign Ministers of the six Member States of Euratom and the Common Market providing for partial identity of membership between the two Assemblies, which states in the main operative paragraph :

" The Ministers of Foreign Affairs of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg and the Kindgom of the Netherlands,

Undertake to submit to their national parliaments, at the appropriate time, the proposal that steps should be taken to ensure that, in principle, one-half of the representatives of each parliament to the Assembly of the European Communities shall be titular members of the Consultative Assembly of the Council of Europe and of the Assembly of Western European Union. Nevertheless, as regards the representation of the Belgian, Luxembourg and Netherlands parliaments, which are entitled to a smaller number of Representatives in the above-mentioned Assemblies, with the result that it is more difficult for them to take part in all the activities of the Assemblies and their committees, it is understood that identity of membership may be limited to one-third of the Representatives ";

Requests its members who are nationals of the six countries to ask their Government to submit to their Parliament the legal text necessary to implement the resolution of the six Foreign Ministers.

B. APPENDIX Relations between the Council of Europe, the European Economic Community and the European Atomic Energy Community - Draft Recommendation

The Assembly,

Having welcomed the resolution of the six Foreign Ministers which is designed to ensure partial identity of membership between the Assembly of the six-Power Communities and the Consultative Assembly;

Considering that other steps must be taken to preserve and ensure a sense of common purpose between those engaged in building up the six-Power Communities and those belonging to the wider European Community,

Recommends to the Committee of Ministers that they should without delay make arrangements with the six Governments through the Interim Committee for the Common Market and Euratom, or otherwise as may be appropriate, to ensure that relations between the Council of Europe and the new Communities are at least as close as those between the Council of Europe and the Coal and Steel Community as described in the Protocol signed at Paris on 18th April 1951, with special reference to the right of the Committee of Ministers to send recommendations to the High Authority of the Coal and Steel Community.

C. APPENDIX Relations between the Assembly of the Council of Europe and the six-Power Communities - Draft Resolution

The Assembly,

Having welcomed the resolution of the six Foreign Ministers which is designed to ensure partial identity of membership between the Assembly of the six-Power Communities and the Consultative Assembly;

Considering that other steps must be taken to preserve and ensure a sense of common purpose between those engaged in building up the six-Power Communities and those belonging to the wider European Community;

Considering that relations between the Council of Europe and the E. C. S. C. are the subject of a protocol signed in Paris on 18th April 1951,

Instructs the President of the Assembly to approach the competent authorities of the new Communities of the Six with a view to preparing the way for the conclusion of arrangements providing for the following :

a. the annual reports of the Executive Commissions of the European Economic Community and the European Atomic Energy Community to be transmitted to the Consultative Assembly; on request, the annual report of the Committee of Ministers of the Council of Europe to he transmitted to the European Commissions;

b. joint meetings between the Consultative Assembly and the single Assembly of the six-Power Communities to be organised regularly to discuss matters of common concern;

c. the single Assembly of the six-Power Communities to send a report to the Consultative Assembly at the request of the President of the latter and, in turn, the Consultative Assembly to send a report to the single Assembly of the six-Power Communities at the request of the President of the latter;

d. joint meetings of the Bureaux of the three European Assemblies to be held at least twice a year to discuss problems of mutual interest, to exchange information about the activities of the three Assemblies, the proposed dates of their sessions, the questions on their agendas and any other matter in which co-ordination would be of advantage; these meetings to be used to keep public opinion abreast of the development of general problems of interest to the European community;

e. the single Assembly of the six-Power Communities and the Consultative Assembly to meet normally in the same place.

D. APPENDIX Representation of Member States in the Committee of Ministers - Draft Recommendation

The Assembly,

Considering that, if there is a need to reduce overlapping among European assemblies, there is an equally urgent need for achieving greater concentration of the ministerial organs of European organisations;

Considering that the members of the Committee of Ministers of the Council of Europe are the Foreign Ministers of Member States[2];

the Committee of Ministers were to consist, as might be appropriate to the subject under discussion, of the competent Ministers ;

Considering that the Treaties on the E. C. S. C, the Common Market, Euratom, N. A. T. 0. and the Convention on the 0. E. E. C. provide for a more flexible representation on the Council of Ministers[3],

Recommends to the Committee of Ministers :

1. that they should sign a protocol amending Article 14 of the Statute and providing that the Committee of Ministers shall consist of representatives of the Member States and that each Government shall delegate one of its members to it; or, alternatively, that they should adopt a text interpreting Article 14 in this sense;
2. that they should meet in different composition according to the object of each session, Member Governments delegating as their representative the member of the Government responsible for the questions to be discussed;
3. that they should draw the attention of the Prime Ministers to the need for ensuring a coherent approach to the various European activities to which their Governments are parties and to the need for organising meetings such as those called for by the Assembly in its Recommendation 139 (meeting of the Prime Ministers for coordination of policy, especially foreign policy).

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2. Article 14 of the Statute of the Council of Europe provides that " Representatives on the Committee [of Ministers] shall be the Ministers for Foreign Affairs. When a Minister for Foreign Affairs is unable to be present or in other circumstances where it may be desirable, an alternate may be nominated to act for him, who shall, whenever possible, be a member of his Government."

3. " Th e Council [of Ministers] consists of representatives of the Member States. Each Government delegates one of its members to it. . ." (Article 116 of the Euratom Treaty; Article 146 of the Common Market Treaty and Article 27 of the ECSC Treaty). " The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty " (Article 9 of the North Atlantic Treaty). " A Council composed of all the Members shall be the body from which all decisions derive " (Article 15 (a) of the OEEC Convention).

E. APPENDIX 5 Location of the institutions of Euratom and the Common Market and other European organisations - Draft Recommendation

The Assembly,

Considering that it is desirable for as many European organisations as possible to be located at the same place, in order to ensure closer relations between them, greater unity of purpose, increased efficiency and economy;

Considering that, according to the treaties of Rome, the Governments of the Six will have to decide on the location of the new institutions of Euratom and the Common Market;

Having regard to the various proposals on this subject recently made in the Consultative Assembly and elsewhere,

Recommends to the Committee of Ministers:

1. that they should request the Governments of the six-Power Communities not to take a decision on the location of the institutions of these Communities without prior consultation in the Committee of Ministers of the Council of Europe;

2. that the following principles should be respected when this choice is made :

   a. the parliamentary, executive and intergovernmental organs of all the institutions of the six-Power Communities to be established at the same place, it being understood that certain other organs, for example the Court of Justice, might be located elsewhere;

   b. the three European parliamentary assemblies to be located at this same place, if possible as soon as the six-Power Assembly is constituted, and, if not, within a reasonable time;

   c. other existing intergovernmental organisations (Committee of Ministers of the Council of Europe, 0. E. E. C, Western European Union) also to be situated at this same place;

   d. any rivalry based on interests or prestige between cities or countries in connection with the choice of the location of European institutions to be firmly opposed;

   e. the choice to rest on a city that is central and has, or can be given, up-to-date transport facilities and international press services.

F. APPENDIX 6 Further work of the Political Committee on the rationalisation of European Assemblies - Draft Order

The Assembly,

Recalling that the Committee of Ministers has undertaken to consult the Assembly on the plans now under consideration in the Council of Western European Union for closer association and possible unification of European assemblies,

Instructs the Political Committee, pending such consultation, to continue its work on the rationalisation of European institutions and to submit in due course such additional reports as may be considered desirable; and

Invites the Bureau to make the necessary arrangements for a further meeting to take place at the appropriate time between a delegation from the three European Assemblies and the Council of Western European Union to review the progress made in the study of the question of rationalisation of European institutions and to enable the prevailing views of the European Assemblies to be put to the Council of Western European Union.

G. Explanatory Memorandum

1.

1. Your Committee have discussed on three occasions, in accordance with their terms of reference, the British and Italian plans for achieving greater concentration of European institutions. They have given careful consideration to these plans, with particular reference to the coming into force of the treaties setting up the Common Market and Euratom, and to the views put forward by members of the Assembly during the April-May debates. This report and the draft resolutions and recommendations which are now submitted to the Assembly are based on the detailed work of a special sub-committee which went into all the problems raised.

2. Your Committee welcome the important contributions made by the British and Italian plans to the discussion on rationalisation of European institutions which has been going on since the proposal to set up a fourth European assembly was abandoned under strong pressure earlier this year. These plans are, however, sweeping and far-reaching in their effects, and your Committee are not certain that it would be desirable and practical, at this stage, to implement them in full. The spirit of renovation which is in the air should, in their view, preferably be made the occasion to reorganise and simplify existing organisations, rather than starting all over again from scratch, with the ultimate aim of arriving later and by a gradual process at a greatly simplified and streamlined pattern of European organisations.

3. The main problems which arise, in your Committee's view, are as follows :

a. Relationship between the Assembly of the six-Power Communities and the Consultative Assembly;

b. Need for achieving greater concentration of the ministerial organs of the European organisations ;

c. Possibility of amalgamating assemblies which are mainly consultative;

d. Participation of Americans and Canadians;

e. Location of European organisations;

f. Common secretariat services.

Relationship between the Assembly of the six-Power Communities and the Consultative Assembly

4. Your Committee continue to consider that the relationship to be established between the Consultative Assembly and the Assembly of the six-Power Communities is important for Europe. An effective way of achieving close relations would have been to have the same members in both Assemblies. But such a proposal would have raised difficulties which are insuperable at the present time. Accordingly, last April the Assembly recommended only a partial identity of membership, and your Committee is gratified to learn that the Interim Committee for Euratom and the Common Market in Brussels have accepted this view. The six Governments have adopted the following resolution : " The Ministers of Foreign Affairs of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxem- I bourg and the Kingdom of the Netherlands, Having regard to the Resolution adopted at the Conference held at Rome on 25th March 1957, concerning the establishment of organic links between the European assemblies; Considering that the studies now being i made on the basis of this resolution are j going to be continued and that they will be | completed in co-operation with the new j institutions as soon as the treaties setting up j the European Economic Community and the j European Atomic Energy Community come j into force; Having taken note of the wishes expressed j by the various European assemblies; Determined to promote, so far as possible, \ identical representation of the Member States j of the European Communities in the Consult- I ative Assembly of the Council of Europe i and the Assembly of Western European Union, on the one hand, and in the Assembly of the European Communities on the other, Undertake to submit to their national parliaments, at the appropriate time, the proposal that steps should be taken to ensure that, in principle, one-half of the representatives of each parliament to the Assembly of the European Communities shall be titular members of the Consultative Assembly of the Council of Europe and of the Assembly of Western European Union. Nevertheless, as regards the representation of the Belgian, Luxembourg and Netherlands parliaments, which are entitled to a smaller number of Representatives in the above-mentioned assemblies, with the result that it is more difficult for them to take part in all the activities of the assemblies and their committees, it is understood that identity of membership may be limited to one-third of the Representatives. "

5. This resolution meets the wishes of the Consultative Assembly. The problem is now to ensure that the resolution of the six Governments is implemented, and your Committee propose that the Assembly should adopt a text pledging its members from the six countries to work for the acceptance of the provisions of the resolution by the six parliaments. A draft resolution in this sense is appended (Appendix 1).

6. It is hoped that partial identity of j membership will preserve and ensure a sense of common purpose between the two assemblies of the Six and of the Fifteen. But your Committee consider that other measures, too, should be taken to reinforce and strengthen even more the relations between the wider circle and the smaller circle of European Members of Parliament. There should be regular meetings of the Bureaux of the Assemblies to discuss problems of mutual interest, to exchange information about the activities of the Assemblies, the proposed dates of their sessions, the questions on their agenda and any other matters on which co-ordination would be of advantage to all. Joint sessions between the two Assemblies should be held regularly, as is being done at present with the Common Assembly of the Coal and Steel Community; in view of the added responsibilities of the Assembly of the Six it may be found, in the light of experience, that such meetings should be held more often. The Clerks of the Assemblies should also meet regularly and keep in close contact at all times in order to ensure smooth co-operation and mutual help.

7. The relations between the Consultative Assembly and the executive organs of the Common Market and Euratom are not settled. Yet the Assembly has asked on a number of occasions that arrangements should be made so that the two new Communities are brought into the same relationship with the Council of Europe as the Coal and Steel Community.

8. The relations between the Council of Europe and the Coal and Steel Community are the subject of a Protocol, signed in April 1951, at the same time as the main treaty. This protocol provides inter alia :

a. that the Report of the High Authority of the Coal and Steel Community is to be sent to the Consultative Assembly;

b. that the Common Assembly is to send an annual report to the Consultative Assembly;

c. that the Committee of Ministers has the possibility of addressing recommendations to the High Authority;

d. that members of the Common Assembly should be chosen preferably from among members of the Consultative Assembly.

9. It is understood that the six Governments concerned are opposed to the conclusion of any protocol as regards Euratom and the Common Market, as this might be a precedent for further protocols to be asked for. Your Committee accept this view, but the Committee of Ministers should take the initiative of asking the six Governments to make adequate provisions when they come to discuss the establishment of the new institutions. A draft Recommendation in this sense is appended (Appendix 2). As far as the Assembly is concerned, your Committee propose that the President should be invited to approach the Interim Committee in Brussels again with a view to providing for relations at least as close as those existing between the Council of Europe and the High Authority of the E. C. S. C. If the Interim Committee feel that certain questions must await the formation of the executive organs of the new Communities, the President of the Assembly should be invited to get in touch with them as soon as they have been set up (Appendix 3).

10. Your Committee take this opportunity to point out that while there will be a unified assembly of the six-Power Communities, thanks to the combined efforts of the three existing European assemblies, no corresponding amalgamation has been provided for as regards the ministerial and executive organs of the Communities. According to the treaties the Councils of Ministers and the executive organs of the Coal and Steel Community, the Common Market and Euratom remain distinct, and there is no provision for merging or even coordinating them despite the fact that they will all deal with economic matters. Your Committee do not consider that it is up to the Consultative Assembly to make suggestions as to how this important problem should be dealt with. It is a matter for the Governments and Members of Parliament from the six countries concerned. But they feel bound to draw attention to this omission.

11. Your Committee haAre also discussed briefly the loss in parliamentary prerogatives inherent in the treaties setting up the six-Power Communities. They enquired to whom certain rights which were taken away from the six Parliaments were transferred in the institutions of these Communities. Your Committee have instructed the Secretariat to prepare a comprehensive study of this most important question.

Need for achieving greater concentration of the ministerial organs of the European organisations

12. While the British plan appears to be limited in the main to the problem of reducing the number of overlapping European assemblies, your Committee feel that the need for avoiding duplication among intergovernmental organs and making them more efficient is at least as great. Your Committee recall that the Assembly has on several occasions asked for a more vigorous policy on the part of the Committee of Ministers of the Council of Europe, whose failure to give a lead is largely responsible for the lack of progress in European collaboration at the level of the Fifteen.

13. The proposed amalgamation between the ministerial organs of the Council of Europe and the 0. E. E. C. will, if it is carried out, make an important contribution to the work of rationalisation at the intergovernmental level. In a separate report by M. de la Vallee Poussin (Doc. 703), your Committee give their full support to this move. It should then be relatively easy to transfer to this new joint Council of Ministers the social and cultural competence of Western European Union, and this would in turn be the beginning of a European Council of Ministers. The European Council of Ministers could be so organised as to discharge all the executive tasks of the various existing intergovernmental institutions of Europe, with appropriate governmental representation as each session of the Council was devoted to economic co-operation, social co-operation, cultural co-operation and so on.

14. The Prime Ministers of Europe ought to ensure a coherent approach to the various activities to which their Governments are parties, and they ought to meet within this framework to discuss, as has been repeatedly urged by the Assembly, notably in M. Kie-singer's report of April 1957, the co-ordination of the foreign policies of their countries. It is the view of your Committee that such a reform in the arrangement of European ministerial organs is not impossible to achieve. The main question is where to begin. Your Committee renew their appeal for a start to be made with a merger between the ministerial organs of the Council of Europe and the 0. E. E. C.

15. Your Committee also consider that the British proposal for direct relations between the Assembly and the various ministerial bodies responsible for a particular aspect of J European co-operation ought to be applied to the Council of Europe. It would be much better if, instead of being composed of the Foreign Ministers or their Deputies at all times, the Committee of Ministers were to consist, in turn, as might be appropriate to the subject under discussion, of the Ministers responsible for social affairs, or the Ministers responsible for cultural questions.

16. Your Committee wish to point out that the treaties on the E. C. S. C, Euratom and the Common Market provide that " The Council (of Ministers) consists of representatives of the Member States. Each Government delegates one of its members to it... " (Article 116 of the Euratom Treaty; Article 146 of the Common Market Treaty; Article 27 of the E. C. S. C. Treaty), thereby making it possible for Member States to be represented on the Council by the Finance Ministers, the Ministers for Trade, the Social Affairs Minist ters or any other members of the Govern-ments In contradistinction, the Statute on the Council of Europe provides that" represen-tatives of the Committee (of Ministers) shall be the Ministers for Foreign Affairs " (Arti-cle 14). This article goes on to say, however, that " When a Minister for Foreign Affairs is unable to be present or in other circumstances where it may be desirable, an alternate may be nominated to act for him, who shall, whenever possible, be a member of his Government ". On the basis of this sentence, your Committee believe that it should be possible to make the necessary arrangements for the composition of the Committee of Ministers to be flexible, each Government delegating to it, according to the subject under discussion, the member of the Government responsible for such matters at home.

17. Your Committee submit a draft Recommendation on Article 14 of the Statute of the Council of Europe (Appendix 4).

Possibility of amalgamating assemblies which are mainly consultative

18. Your Committee have examined whether it would be desirable, as the British plan proposes, to create a new parliamentary assembly, at the same time allowing existing ones to run down by simply deciding not to meet any more. Your Committee feel that it is important that the experience gained in the last eight years should not be lost, and, while there is much to be said in favour of a single assembly, they were compelled to recognise that for the present no major simplification would be endorsed by a substantial majority. The Assembly of the six-Power Communities has responsibilities of a special nature and it was evident that it should be left outside the discussion under this heading. As regards the Assembly of Western European Union, your Committee have not yet come to any agreement, and they decided not to make proposals at this stage. They discussed the possibility of ensuring greater co-ordination between that Assembly and the Consultative Assembly and they felt that the two Bureaux should be given an opportunity to discuss together the instances of duplication and overlapping which appear to have occurred recently. This would be in accordance with the sentence in the agreement reached between the two Bureaux on 5th June 1956 which

says : " It was further concluded that, if this division of activity should be seen to give rise to a risk of duplication in any specific case, there should be consultation between the Bureaux of the two Assemblies, on the proposal of either Bureau ". The Chairman of your Committee has written to the President of the Consultative Assembly in this sense, and it is their hope that both Assemblies will soon be informed that a settlement has been reached.

Participation of Americans and Canadians

19. Your Committee were not able to come to any final conclusion on this point for two reasons : first, they do not know to what extent the United States and Canada would be willing to be linked up in a formal way with European institutions. It is felt that they might consider that they were getting too much involved in European affairs if they were to sit side-by-side with European members of parliament in what would he, in the main, a European assembly. In the second place, your Committee do not know what position the neutral Member States, Austria, Ireland and Sweden, would adopt in relation to this question.

20. Your Committee are agreed that a distinction must be made between the idea of a United Europe, for which the Council of Europe stands, and the concept of an Atlantic Community. There are many tasks, including the elaboration of a common foreign policy, which must start on a European basis. Your Committee continues to believe that exchanges of views with American and Canadian delegates are of the utmost value. Your Committee does not, however, feel that it is appropriate to change the pattern of the Strasbourg Conference held in 1951 and which it is hoped will be repeated in the future.

Location of European organisations

21. Your Committee have considered the motion by Sir Robert Boothby and others (Doc. 684), which was referred by the Standing Committee to the Political Committee on 5th July 1957. They strongly feel that it is indispensable to concentrate all European organisations in one place, or at least in one area. Such a step is essential to promote increased efficiency, greater unity of purpose and economy in existing organisations.

22. It is inconceivable that the various institutions of the nascent European communities should be dotted about in the member countries. Not only will their work be made more difficult, but their political impact will be greatly weakened. The same applies to the organisations of the Fifteen or Seventeen. The institutions of the Common Market and of 0. E. E. C. (if the Free Trade Area is formed and the 0. E. E. C. is to run it) must be in the same place.

23. Your Committee did not discuss where the headquarters of European organisations might be. It was noted that Article 216 of the Common Market Treaty and Article 189 of the Euratom Treaty provided that the Governments will decide on the place where the headquarters of the institutions of the Communities will be located. When this choice is made, the Governments of the Six should consider also the necessity for bringing together the other European organisations, ft is therefore proposed that the Nine and the Six should consult together and make their views known in good time and before the six Powers take their decision. There was a general desire in the Committee that the place chosen should be central, with an airport adequately served by international airlines, within easy reach for Members of Parliament, officials and journalists and where they would not feel cut off from international and political activities. Your Committee submits a draft Recommendation on this point, which is appended to this report (Appendix 5).

Common secretariat services

24. Your Committee support the suggestion put forward by M. Furler in his speech to the Common Assembly on 14th May 1957 for a standing committee of the Bureaux of the three European assemblies which would study, with the assistance of the Clerks of the three assemblies, co-ordination between the secretariats, in particular what services might be shared. It is clear that linguistic services, for example, can be and must be used jointly. This committee should also be concerned with co-operation in general between the Assemblies with a view to avoiding overlapping and ensuring close and harmonious relations.

2. Conclusions

25. Your Committee wish to put on record their keen appreciation of the efforts made by the British, Italian and other Governments to try and produce greater order and clarity in the work of European organisations. The lively debates which have been held in the Council of Europe and elsewhere have shown that, although the solution is not easy to find, and there are differences on many issues, the preoccupations of the

Governments are in the main widely shared by European members of parliament. If the proposal for a single European assembly has been generally thought to be unworkable, the need for a reduction of overlapping institutions, both governmental and parliamentary, has been universally recognised.

26. Your Committee has made limited though practical proposals to achieve a measure of simplification. If they are accepted, the way will be clear for a more rational pattern of European organisations; on the one side a strong combination of the 0. E. E. C. and the Assembly of the Council of Europe in close relation with the six-Power Communities; on the other, N. A. T. 0. as the main military organisation of the West, with W. E. U. closely linked to it.